

SENATE CHAMBER, }  
AUSTIN, TEXAS, Tuesday, May 23, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—Senator Douglass.

Absent—excused—Senators Evans and Pickett.

Prayer by the Chaplain.

On motion of Senator Gaines, the reading of the journal of yesterday was dispensed with.

Special message from the Governor by his private Secretary, Mr. Britton, as follows :

GOVERNOR'S OFFICE,  
AUSTIN, May 22, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : I herewith return to the Senate, where it originated, the act entitled "An act to incorporate the Tyler Tap Railroad Company." The objection to this act, which requires its return, is the same as that suggested to the Galveston and Denver Railway charter. Section thirteen authorizes the taking of property of citizens without compensation previously made, and is therefore unconstitutional as well as contrary to the just provisions of the general railroad law enacted February 8, 1860.

Very respectfully,

EDMUND J. DAVIS,  
Governor.

Message and bill read.

### MESSAGE.

Message from the House, by the Chief Clerk, Mr. Ketchum, informing the Senate that the House had passed, without amendments, the following Senate bills :

Senate bill No. 434, "An act to amend an act entitled 'an act to incorporate the Navasota and Washington County Ferry Company,' passed April 26, 1871."

Senate bill No. 332, "An act regulating appeals in criminal cases."

Senate joint resolution No. 37, "Instructing our Senators and requesting our Representatives in Congress to use their influence in

the passage of such an act by the United States Congress as shall incorporate the name of Commodore John G. Todd in the Navy of the United States, in the same rank held by him in the Texas Navy at the date of annexation;" and

Transmitting for concurrence House bills, as follows:

House bill No. 510, "An act to regulate the estraying of stock in the State of Texas."

House bill No. 580, "An act for the relief of R. E. Borden, District Attorney of the Third Judicial District."

House bill No. 669, "An act authorizing railroad companies of this State to hold meetings either of stockholders or directors beyond the limits of the State, on certain conditions."

House bill No. 249, "An act to incorporate the Galveston and New Orleans Railway Company."

House bill No. 606, "An act supplemental to an act entitled 'an act to incorporate the Bolivar Point, Eastern Texas and Red River Railroad Company,' passed August 3, 1870."

Also, transmitting for signature of the President the following enrolled House bills:

House bill No. 166, "An act to incorporate the Germania at Fayetteville."

House bill No. 281, "An act to incorporate the Waco Gas Light Company."

House bill No. 632, "An act to regulate the change of venue in the district court which the judges of said court are disqualified from trying."

House bill No. 647, "An act to amend 'an act prescribing the mode of proceeding in district courts in matters of probate,' approved August 15, 1870."

House bill No. 682, "An act making an appropriation to defray the expenses by the Secretary of State, James P. Newcomb, while on business connected with the frontier defense bonds and agricultural land script."

Enrolled bills signed by the President in open session and returned to the House.

Under direction of the President the Secretary returned to the House House bill No. 241, "An act to provide for the appointment of one county surveyor for two or more counties," informing the House that the Senate had passed the same with an amendment thereto.

Also, returning the following House bills, and informing the House that the Senate had passed the same without amendments:

House joint resolution No. 31, "Joint resolution authorizing the Governor of the State to invite the Honorable Horace Greeley to visit the capital of the State."

House bill No. 197, "An act to incorporate the Bank of Cleburne."

House bill No. 551, "An act to make the county of La Salle a part of the Seventeenth Judicial District of this State, and to attach it to the county of Live Oak for judicial and other purposes."

House bill No. 620, "An act to incorporate the Dallas City Railroad Company."

House bill No. 670, "An act to release John Bartley from paying State, county or city incorporation tax on exhibition of gymnastic feats and entertainments in the State of Texas."

House bill No. 683, "An act to incorporate the Navasota Hook and Ladder Company No. 1, of the city of Navasota, State of Texas."

House bill No. 650, "An act for the relief of the heirs of Isham Davis, deceased."

Also, transmitting for signature of the Speaker the following enrolled Senate bills:

Senate bill No. 222, "An act making an appropriation for the mileage and per diem pay of the members and the per diem pay of the officers and employes of the Twelfth Legislature of the State of Texas."

Senate bill No. 256, "An act to incorporate the Board of Fund Commissioners of Trinity Conference M. E. Church South."

Senate bill No. 294, "An act supplementary to an act entitled 'an act to incorporate the Rio Grande Railroad Company,' approved August 13, 1870."

Senate bill No. 359, "An act to amend the first section of an act entitled 'an act for the incorporation of the city of Paris, in the county of Lamar,' approved August 10, 1870."

Senate bill No. 416, "An act to amend the fifth section of an act passed the first day of October, A. D. 1866, entitled 'an act to incorporate the Rio Grande Railroad Company.'"

Senate bill No. 434, "An act to amend an act entitled 'an act to incorporate the Navasota and Washington County Ferry Company,' passed April 26, 1871."

Enrolled bills signed by the Speaker, returned to the Senate and signed by the President in open session.

The Secretary also carried to the House for their action thereon Senate bill No. 220, "An act to incorporate the Calvert and Belton Railroad Company," the same having been returned to the Senate by the Governor, with his objections thereto, and, upon reconsideration, the Senate agreed to pass the same.

## REPORTS OF STANDING COMMITTEES.

Report of Committee on Public Debt :

COMMITTEE ROOM,  
AUSTIN, May 22, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Public Debt, to whom was referred the Governor's message referring to the cancellation of the face plates of the State of Texas Frontier Bonds, as authorized by an act of the Legislature approved May 4, 1871, have had the same under consideration, and are fully satisfied that said plates have been cancelled in accordance with said act, and would respectfully submit this as their report and ask to be discharged from further consideration of the subject.

E. PETTIT,  
Chairman.

Report read and laid over under the rules.

Reports of Committee on Judiciary :

COMMITTEE ROOM,  
AUSTIN, May 22, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred House bill No. 359, entitled "An act to legalize the official acts of J. H. Steen, while acting as Justice of the Peace of Hamilton county," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,

Chairman.

Report read, and, on motion of Senator Fountain, the rules were suspended to consider the report and bill. Bill read second time and passed to a third reading.

On motion of Senator Fountain the rules were further suspended, and House bill No. 359 read third time, passed and returned to the House.

COMMITTEE ROOM.  
AUSTIN, May 22, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Judiciary, to whom was referred House bill No. 360, entitled "An act to legalize the official acts of J. H.

Steen while acting as district clerk of Hamilton county," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,

Chairman.

Report read, and, on motion of Senator Fountain, the rules were suspended to consider the report and bill. Bill read second time and passed to a third reading.

On motion of Senator Fountain, the rules were further suspended and House bill No. 360 read third time, passed and returned to the House.

COMMITTEE ROOM,  
AUSTIN, May 22, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 146, entitled "An act to legalize the official acts of J. A. Lee, of Coryell county, after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,

Chairman.

Report read and, on motion of Senator Fountain, the rules were suspended to consider the report and bill.

Bill read second time and passed to a third reading.

On motion of Senator Fountain, the rules were further suspended and House bill No. 146 read third time and passed, and returned to the House.

On motion of Senator Tendick, the rules were suspended to take from file House bill No. 475, "An act to incorporate the Texas Cotton Press and Manufacturing Company." Read first time, rules suspended, read second time and passed to a third reading.

On motion of Senator Tendick, the rules were further suspended and House bill No. 475 read third time, passed and returned to the House.

Reports of Committee on Roads, Bridges and Ferries:

COMMITTEE ROOM,  
AUSTIN, May 22, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 404, entitled "An act to authorize W. H. McVey to erect a toll bridge across Waxahachie creek, and also

to erect a toll bridge across Chambers creek in the county of Navarro," after careful consideration, instruct me to report the same back and recommend its passage, with the following amendments.

Respectfully,

JOHN G. BELL,  
Chairman.

Amend as follows: Insert as section 4: "That the said W. H. McVey be, and he is hereby required to enter into bonds, with good and sufficient security, in the sum of one thousand dollars, payable to the Chief Justice of Navarro county, or his successors in office, which bond shall be conditioned that he, W. H. McVey, shall be responsible for all damages that may accrue from neglect of duty, either by delayed crossing or keeping said bridges in an improper condition."

Insert as section 5: "That no toll shall be collected until said bridges are completed."

Amend on page two, line eighteen, by striking cut the figure "4" and insert in lieu thereof the figure "6," so as to read "section 6."

COMMITTEE ROOM,  
AUSTIN, May 22, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 571, entitled "An act to incorporate Little Brazos and Robertson County Bridge Company," after careful consideration, instruct me to report the same back and recommend its passage with the following amendments.

Respectfully,

JOHN G. BELL,  
Chairman.

Amend section two, line two, by striking out the word written "substancial" and insert in lieu thereof the word "substantial." Amend in same section by inserting after the word "act," in the last line of said section, the following words: "and shall be completed within two years thereafter, otherwise this charter to be null and void;" amend section five, line two, by striking out the word "police" and insert the word "county." Amend section seven by striking out the figure "7" and insert in lieu thereof the figure "6," so as to read "section six."

COMMITTEE ROOM,  
AUSTIN, May 22, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 486, entitled "An act to establish a ferry across the Brazos river, at a convenient point three miles below the falls of the Brazos, on the new road leading from Powers' school house to Bremoud, in Falls county," after careful consideration, instruct me to report the same back and recommend its passage with the following amendments.

Respectfully,

JOHN G. BELL,

Chairman.

Strike out all of section three after word "duty" in sixth line. Insert as section four the following: "That said ferry shall be established within six months from and after the passage of this act, otherwise this charter to be null and void." Amend by striking out the figure "4" on the last line of the first page, and insert in lieu thereof the figure "5," so as to read section five.

COMMITTEE ROOM,  
AUSTIN, May 22, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 621, entitled "An act to authorize G. B. Slaughter and D. T. Easley to erect a toll bridge across the mouth of Guthrie creek and Grace's creek, in the county of Upshur, Texas," after careful consideration, instruct me to report the same back and recommend its passage with the following amendments.

Respectfully,

JOHN G. BELL,

Chairman.

Insert as section four the following: "That the said G. B. Slaughter and D. T. Easley be, and they are hereby required to enter into bonds with good and sufficient security in the sum of one thousand dollars, payable to the Chief Justice of Upshur county, or his successors in office, which bond shall be conditioned that the said G. B. Slaughter and D. T. Easley shall be responsible for all damages that may accrue from neglect of duty, either by delayed crossing, or keeping said bridge in an improper condition." Insert as section five: "That no toll shall be charged until said bridge is completed." Amend by striking out the figure "4" on page

two, line eleven, and insert in lieu thereof the figure "6," so as to read section six.

Reports read and laid over under the rules.

COMMITTEE ROOM,  
AUSTIN, May 22, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 484, entitled "An act to authorize S. J. Slocomb to erect a toll bridge over Brushy creek, in Milam county," after careful consideration, instruct me to report the same back and recommend its passage with the following amendments:

Respectfully,

JOHN G. BELL,  
Chairman.

Amend by inserting after the word "cents" in section first, being the last word in said section, the following: "and said tolls shall not be collected until said bridge is completed." Amend section two, by striking out the word written "substantial" in line seven, and insert in lieu thereof, the word "substantial;" amend section two, line six, by striking out the word "five" and insert the word "two" in lieu thereof. Amend seventh line, on page two, by striking out the figure "three" after the word "section" and insert the figure "four" in lieu thereof, so as to read "section four."

Insert as section three: "That the said S. J. Slocomb be and he is hereby required to enter into bonds, with good and sufficient security, in the sum of one thousand dollars, payable to the Chief Justice of Milam county, or his successors in office, which bond shall be conditioned that he, S. J. Slocomb, shall be responsible for all damages that may accrue from neglect of duty either by delayed crossing or keeping said bridge in an improper condition."

On motion of Senator Saylor, the rules were suspended to consider the report and bill.

Bill read second time, and amendments reported by the Committee on Roads, Bridges and Ferries were adopted, and the bill passed to a third reading as amended.

On motion of Senator Saylor, the rules were further suspended and House bill No. 484 read third time and passed.

On motion of Senator Pyle, the rules were suspended to take from file House bill No. 636, "An act to authorize James A. Gowan to erect a toll bridge over Chambers creek, near the Kellum crossing, on the road leading from Corsicana, in Navarro county, to Waxahatchie, in Ellis county." Read first time, rules suspended, read second time and passed to a third reading.



On motion of Senator Pyle, the rules were further suspended, and House bill No. 636 read third time, passed and returned to the House.

On motion of Senator Fountain, the rules were suspended to take from file House bill no 684, "An act to provide for the payment of the late special Judge of the Fifteenth Judicial District, and making an appropriation therefor." Read first time.

Senator Mills moved that the bill be referred to the Committee on Finance.

Yeas and nays called for and motion to refer carried by the following vote:

Yeas—Mr. President, Baker, Bell, Bowers, Cole, Ford, Gaines, Hall, Latimer, Mills, Parsons, Pridgen, Pyle, Rawson, Shannon—15.

Nays—Fountain, Hertzberg, Hillebrand, Pettit, Ruby, Saylor, Tendick—7.

Senator Ruby submitted the following report of Committee on Engrossed Bills:

COMMITTEE ROOM,  
AUSTIN, May 28, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared substitute for Senate bill No. 422, "An act to prohibit the sale of intoxicating or spiritous liquors within certain limits of the town of Winchester," and Senate substitute for House bill No. 604, "An act to incorporate the Young Men's Real Estate and Building Association of Tyler, Texas," find the same to be correctly engrossed.

G. T. RUBY,  
E. L. DOHONEY,  
P. W. HALL.

Report read and received.

Senator Pettit submitted the following minority report of Committee on Claims and Accounts, on Senate joint resolution No. 82:

COMMITTEE ROOM,  
AUSTIN, May 23, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: A minority of your Committee on Claims and Accounts, to whom was referred the petition of Moran Brothers, are unable to agree with the majority thereof, and herewith submit the following brief report:

1. The refusal of the commissioners of the special school fund to deliver, on the order of the East Texas Railroad Company, to Moran Brothers, citizens of the State of New York, the five per cent. indemnity bonds, upon the pretext that war then existed between the State of Texas and the State of New York, was clearly justifiable.

2. The petition of Moran Brothers goes far to establish their claim against the Eastern Texas Railroad Company for iron, etc., furnished said company; but said petition failed to establish any claim whatever against the State of Texas.

3. The joint resolution No. 32, offered by the majority of your committee, provides payment of said pretended claim in gold and ten per cent. interest thereon—both of which provisions are clearly beyond the constitutional jurisdiction of this Legislature should said claim be ultimately allowed.

4. There is, furthermore, no provisions whatever in said joint resolution that the claim of the railroad company against the State (if any) shall be extinguished by the issuance of said bonds to said Moran Brothers.

The minority of your committee, therefore, recommend that the consideration of joint resolution No. — be indefinitely postponed.

Respectfully,

E. PETTIT.

Report read and laid over under the rules.

On motion of Senator Mills, the rules were suspended to take from file House bill No. 485, "An act to incorporate the Railroad, Real Estate, Building and Savings Association of Texas." Read first time, rules suspended, read second time and passed to a third reading.

On motion of Senator Mills, the rules were further suspended and House bill No. 485 read third time and passed.

Senator Bell moved that the rules be suspended to take from file Senate bill No. 417, "An act amendatory of the seventh section of an act to provide the mode and manner of conducting elections, making returns and for the protection and purity of the ballot box, approved August 15, 1870."

Motion carried and rules suspended.

Senator Parsons made the point of order that the bill, (Senate bill No. 417,) was not properly before the Senate, as it had been called up by the number only, instead of by the title, in violation of a rule of the Senate.

The President ruled the point of order not well taken, and the bill properly before the Senate for action.

Senator Parsons appealed from the decision of the Chair.

Senator Bell moved a call of the Senate. Call sustained.

Absent—unexcused—Senator Douglass.

Senator Gaines moved to suspend the call, yeas and nays called for and motion to suspend the call lost by the following vote :

Yeas—Ford, Gaines, Pettit, Pridgen, Ruby—5.

Nays—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Flanagan, Fountain, Hall, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pyle, Rawson, Saylor, Shannon, Tendick—20.

Senator Gaines moved to adjourn to 4 P. M. to-day.

Yeas and nays called for, and motion to adjourn lost by the following vote :

Yeas—Ford, Fountain, Gaines, Mills, Rawson—5.

Nays—Mr. President, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Flanagan, Hall, Hertzberg, Hillebrand, Latimer, Parsons, Pettit, Pridgen, Pyle, Ruby, Saylor, Shannon, Tendick—20.

On motion of Senator Fountain, Senator Douglass was excused from attendance on account of sickness, and Senator Fountain allowed to pair off with Senator Douglass upon the matter pending.

On motion of Senator Bell, the call was suspended.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?" yeas and nays taken and the decision of the Chair sustained by the following vote :

Yeas—Baker, Bell, Bowers, Broughton, Cole, Dohoney, Flanagan, Hall, Hertzberg, Hillebrand, Latimer, Pyle, Shannon—13.

Nays—Ford, Gaines, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—10.

Consideration of Senate bill No. 417, "An act amendatory of the seventh section of 'an act to provide the mode and manner of conducting elections, making returns and for the protection and purity of the ballot box, approved August 15, 1870.'" Bill read second time.

Senator Hall offered a substitute for the bill, (substitute Senate bill No. 417,) "An act amendatory of the second and seventh sections of 'an act to provide the mode and manner of conducting elections, making returns and for the protection and purity of the ballot box,' approved August 15, 1870.'" Substitute read.

Senator Bowers moved the adoption of the substitute. Yeas and nays called for and substitute adopted by the following vote :

Yeas—Baker, Bell, Bowers, Broughton, Cole, Dohoney, Flanagan, Hall, Hertzberg, Hillebrand, Latimer, Pyle, Shannon—13.

Nays—Mr. President, Ford, Gaines, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—11.

Senator Fountain was excused from voting, having paired off with

Senator Douglass, Senator Douglass voting in the affirmative and Senator Fountain in the negative.

Senator Hall moved that substitute Senate bill No. 417 be engrossed.

Yeas and nays called for and substitute Senate bill No. 417 passed to engrossment by the following vote :

Yeas—Baker, Bell, Bowers, Broughton, Cole, Dohoney, Flanagan, Hall, Hertzberg, Hillebrand, Latimer, Pyle, Shannon—13.

Nays—Mr. President, Ford, Gaines, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—11.

Senator Fountain was excused from voting, having paired off with Senator Douglass ; Senator Douglass voting in the affirmative and Senator Fountain voting in the negative.

The Chair announced that House bill No. 681, "An act authorizing the Board of Trustees of the State Blind Asylum to audit the payment of certain accounts and making an appropriation for the same," had been passed by the vote of yesterday, of fourteen yeas to nine nays ; as the bill provides for an appropriation of money for State purposes, and so only required a majority vote to pass the same.

On motion of Senator Bowers, the vote passing House bill No. 681 yesterday was reconsidered.

Senator Bowers offered the following amendment, which was adopted : Amend by striking out the words " and directed," in line four, section one. Amend further, by adding after the word "accounts," in line five, section one, the words "if found correct."

Senator Bowers moved that House bill No. 681 do now pass. Yeas and nays called for and House bill No. 681 passed by the following vote :

Yeas—Mr. President, Baker, Bowers, Cole, Dohoney, Ford, Fountain, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pridgen, Rawson, Ruby, Saylor—16.

Nays—Broughton, Flanagan, Latimer, Shannon—4.

Message from the House transmitting for signature of the President the following enrolled House bills :

House bill No. 262, "An act to incorporate the San Antonio River Valley Irrigation Company."

House bill No. 512, "An act to incorporate the Boerne Gesangverein, of the town of Boerne, Kendall County, Texas."

House bill No. 524, "An act to incorporate the Fredericksburg Social Turn Verein."

11:30 o'clock A. M.

The hour having arrived for consideration of special order Senate bill No. 419, "An act concerning private corporations," the Senate proceeded to the consideration of the bill.

Pending the reading of the bill, Senator Bowers moved to adjourn to 4 P. M. to-day.

Yeas and nays called for, and motion to adjourn carried by the following vote :

Yeas—Mr. President, Bell, Bowers, Fountain, Hall, Latimer, Pettit, Pyle, Rawson—9.

Nays—Broughton, Dohoney, Ford, Hertzberg, Hillebrand, Pridgen, Ruby, Shannon—8.

Senate at 11:40 A. M. adjourned to 4 P. M. to-day.

---

### AFTERNOON SESSION.

4 o'CLOCK P. M.

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—excused—Senators Evans and Pickett.

On motion of Senator Bower, the rules were suspended to take from file House bill No. 526, "An act to organize and incorporate the Austin and Red River Railroad Company." Read first time, rules suspended and read second time.

Senator Bowers offered the following amendment: Amend section two, line eight, by adding after the word "line" the words "by way of the town of Lampasas, county of Lampasas." Adopted.

Bill passed to a third reading as amended.

On motion of Senator Bowers, the rules were further suspended, and House bill No. 526 read third time, passed and returned to the House.

By leave, Senator Pyle introduced a bill (Senate bill No. 435) to be entitled "An act to incorporate the town of Dresden, in Navarro county." Read first time, rules suspended, read second time, ordered engrossed and passed to a third reading.

On motion of Senator Pyle, the rules were further suspended, and Senate bill No. 435 read third time and passed.

On motion of Senator Pettit, the rules were suspended to take from file House bill No. 296, "An act to establish a ferry across the Neches river, at the old Williams Ferry crossing, county of Cherokee." Read second time and passed to a third reading.

On motion of Senator Pettit, the rules were further suspended, and House bill No. 296 read third time, passed and returned to the House.

On motion of Senator Ford, the rules were suspended to take from file House bill No. 486, "An act to establish a ferry across the Brazos river, at a convenient point three miles below the falls of the Brazos, on the new road leading from Powers's school house to Bremond, in Falls county." Read second time.

On motion of Senator Ford, the amendments reported this morning by the Committee on Roads, Bridges and Ferries were adopted.

Senator Ford offered the following amendment: Amend section three, line four; strike out the word "chief" and insert the word "presiding." Adopted.

Bill passed to a third reading as amended.

On motion of Senator Ford, the rules were further suspended and House bill No. 486 read third time and passed.

On motion of Senator Baker, the rules were suspended to take from file House bill No. 651, "An act for the relief of Theodore S. Lee." Read first time, rules suspended, read second time and passed to a third reading.

On motion of Senator Baker, the rules were further suspended and House bill No. 651 read third time and passed by the following vote and returned to the House:

Yeas—Mr. President, Baker, Bell, Bowers, Cole, Dohoney, Flanagan, Ford, Fountain, Gaines, Hall, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Shannon, Tindick—21.

Nays—None.

## MESSAGES.

Message from the House by the Chief Clerk, Mr. Ketchum, transmitting for concurrence the following House bills:

House bill No. 686, "An act amendatory of an act entitled 'an act for the establishment of the Agricultural and Mechanical College of Texas,' approved April 17, 1871."

Also, returning the following Senate bills, and informing the Senate that the House had passed the same with amendments:

Senate bill No. 408, "An act to require the Judge of the Eighteenth Judicial District to hold a special term of the District Court of Brazoria county."

House amendment to Senate bill No. 408: Strike out all after the word "causes" in section one, and insert the following in lieu thereof: "commencing on the last Monday in August, and continuing in session five weeks."

Also, returning without amendments, Senate bills as follows:

Senate bill No. 213, "An act to prevent the sale of intoxicating or spirituous liquors in the vicinity of Jamestown High School."

Senate bill No. 251, "An act to incorporate the Bryan Male and Female Seminary."

Senate bill No. 259, "An act to incorporate the Lebanon High School, in Collin county, Texas."

Senate bill No. 278, "An act to incorporate Waco Female College."

Senate bill No. 371, "An act to incorporate the Parker county Agricultural and Mechanical Association."

Senate bill No. 410, "An act to levy a special tax in the county of Van Zandt."

Senate bill No. 392, "An act for the relief of J. Wadsworth."

Also, returning to the Senate House bill No. 173, "An act to incorporate the Indianola Colored Benevolent Society," and informing the Senate that the House refuses to concur in the Senate's amendment thereto;

And, informing the Senate that the House has agreed to the Senate's amendment to House bill No. 241, "An act to provide for the appointment of one County Surveyor "for two or more counties."

Under direction of the President, the Secretary carried to the House for concurrence the following Senate bills:

Substitute for Senate bill No. 422, "An act to prohibit the sale of intoxicating or spirituous liquors within certain limits of the town of Winchester."

Senate substitute for House bill No. 604, "An act to incorporate the Young Men's Real Estate and Building Association of Tyler, Texas."

Also, returning the following House bills, and informing the House that the Senate had passed the same with amendments:

House bill No. 484, "An act to authorize J. S. Slocomb to erect a toll bridge over Brushy creek, in Milam county."

House bill No. 681, "An act to authorize the Board of Trustees of the State Blind Asylum to audit the payment of certain accounts, and making an appropriation for the same;" and without amendments, House bills, as follows:

House bill No. 485, "An act to incorporate the Railroad, Real Estate, Building and Savings Association of Texas."

Also, returning enrolled House bills as follows, informing the House that the President had signed the same in open session:

House bill No. 262, "An act to incorporate the San Antonio River Valley Irrigation Company."

House bill No. 512, "An act to incorporate the Boerne Gesangverein of the town of Boerne, Kendall county, Texas."

House bill No. 524, "An act to incorporate the Fredericksburg Social Turnverein;" and

Transmitting for signature the following enrolled Senate bills:

Senate bill No. 32, "An act to prohibit the sale or otherwise disposing of spirituous or intoxicating liquors within two miles of Douglassville College, in Davis county, Texas."

Senate bill No. 284, "An act to incorporate Columbus Lodge No. 51, I. O. O. F."

Senate bill No. 308, "An act to organize the Bureau of Immigration."

Senate bill No. 330, "An act to incorporate the Hebrew Benevolent Society."

Enrolled bills signed by the Speaker, returned to the Senate and signed by the President in open session.

On motion of Senator Dohoney, the rules were suspended to take from file Senate bill No. 231, "An act to authorize the purchase of 20,000 copies of a pamphlet by J. M. Morphis." Read second time, ordered engrossed and passed to a third reading.

Senator Saylor moved that the rules be further suspended to read the bill a third time.

Yeas and nays called for and motion to suspend the rules lost by the following vote, four-fifths of the members present not voting in the affirmative:

Yeas—Mr. President, Baker, Bowers, Cole, Dohoney, Ford, Fountain, Hall, Latimer, Parsons, Pettit, Pridgen, Saylor, Shannon—14.

Nays—Bell, Broughton, Flanagan, Gaines, Hertzberg, Hillebrand—6.

On motion of Senator Cole, the rules were suspended to take from file House bill No. 343, "An act to incorporate the town of Winsborough, in Wood county." Read second time and passed to a third reading.

On motion of Senator Cole, the rules were further suspended and House bill No. 343 read third time, passed and was returned to the House.

On motion of Senator Saylor, the rules were suspended to take from file House bill No. 483, "An act to incorporate the Bryan Real Estate and Building Association." Read first time, rules suspended, read second time, and passed to a third reading.

On motion of Senator Saylor, the rules were further suspended and House bill No. 483 read third time, passed and returned to the House.

On motion of Senator Rawson, the rules were suspended to take from file House bill No. 621, "An act to authorize G. B. Slaughter



and D. T. Easley to erect a toll bridge across the mouth of Guthrie creek and Grace's creek, in the county of Upshur, Texas." Read second time.

On motion of Senator Saylor, the rules were suspended to take from file House bill No. 655, "An act to incorporate the Society of the Sisters of Charity, of Saint Vincent de Paul." Read first time, rules suspended, read second time and passed to a third reading.

On motion of Senator Saylor, the rules were further suspended and House bill No. 655 read third time, passed and returned to the House.

On motion of Senator Parsons, the rules were suspended to take from file House bill No. 685, "An act to incorporate the Galveston Hook and Ladder Company No. 1, of the city of Galveston, State of Texas." Read first time, rules suspended, read second time.

[Senator Flanagan called to the Chair.]

Senator Ford moved to amend by striking out section six.

Yeas and nays called for, and amendment lost by the following vote :

Yeas--Bell, Broughton, Ford, Gaines, Hillebrand, Shannon, Tendick—7.

Nays--Baker, Bowers, Cole, Dohoney, Flanagan, Fountain, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Rawson, Ruby, Saylor—15.

Bill passed to a third reading.

On motion of Senator Ruby, the rules were further suspended and bill read third time.

The question being upon the final passage of the bill, yeas and nays were called for, and House bill No. 685 passed by the following vote :

Yeas—Baker, Bowers, Cole, Dohoney, Flanagan, Fountain, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Shannon—17.

Nays—Bell, Broughton, Ford, Gaines, Hillebrand, Tendick—6.

By unanimous consent, Senator Fountain withdrew from the Committee on Internal Improvements.

House bill No. 408, "An act to incorporate the Corpus Christi and Rio Grande Railroad Company." Read second time.

Senator Bell moved to amend by striking out section nine.

Yeas and nays called for and amendment lost by the following vote :

Yeas—Bell, Gaines, Latimer, Rawson, Tendick—5.

Nays—Baker, Bowers, Broughton, Cole, Dohoney, Flanagan, Ford, Fountain, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Pyle, Ruby, Shannon—17.

Bill passed to a third reading.

Senator Fountain moved that the rules be further suspended to read the bill a third time.

Yeas and nays called for and motion to suspend the rules lost, by the following vote, four-fifths of the members present not voting in the affirmative :

Yeas—Baker, Bowers, Cole, Dohoney, Flanagan, Ford, Fountain, Hall, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pettit, Pridgen, Pyle, Ruby, Shannon—18.

Nays—Bell, Broughton, Gaines, Rawson, Tendick—5.

Senator Hall moved a reconsideration of the vote just taken. Carried.

The question being on the motion to suspend the rules to read House bill No. 408 a third time, yeas and nays called for and the rules suspended by the following vote, four-fifths voting in the affirmative :

Yeas—Baker, Bowers, Broughton, Cole, Dohoney, Flanagan, Ford, Fountain, Hall, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pettit, Pridgen, Pyle, Ruby, Saylor, Shannon—20.

Nays—Bell, Gaines, Rawson, Tendick—4.

Bill read third time.

Senator Fountain moved that the bill do now pass. Yeas and nays called for and House bill No. 408 passed by the following vote:

Yeas—Baker, Bowers, Broughton, Cole, Dohoney, Flanagan, Ford, Fountain, Hall, Hertzberg, Hillebrand, Latimer, Parsons, Pettit, Pridgen, Pyle, Ruby, Saylor, Shannon, Tendick—20.

Nays—Bell, Gaines, Rawson—3.

Senator Fountain moved that all standing committee be allowed to return to the Senate all bills in their possession without reports.

Yeas and nays called for and motion lost by the following vote :

Yeas—Bowers, Broughton, Cole, Dohoney, Flanagan, Fountain, Hertzberg, Hillebrand, Pyle—9.

Nays—Baker, Bell, Ford, Gaines, Hall, Latimer, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Shannon, Tendick—15.

Senator Gaines submitted the following report of Select Committee on House bill No. 381 :

COMMITTEE ROOM,  
AUSTIN, May 23, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Select Committee, to whom was referred House bill No. 381, entitled "An act to authorize the county courts of the several counties in this State to levy a road tax, and to lease the

roads on certain conditions," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

MATTHEW GAINES,

Chairman.

Amend section one, lines four and five, insert the following words after the word "authorized" "and required;" amend section one, line seven, strike out the following words, "not to exceed" and insert the word "of;" amend section one, line seven, insert the following: "and may also levy and collect a poll tax of one dollar upon all persons over the age of twenty-one and under forty-five years." Amend section five, line four, insert between the words "than" and "forty" the following words: "thirty nor more than."

Report read and laid over under the rules.

On motion of Senator Cole, the Senate at 5:40 P. M. adjourned to 10 o'clock A. M. to-morrow.

---